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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Combating defamation of religions

Report of the Secretary General**

Summary

The present report is submitted in accordance with General Assembly resolution 63/171 and focuses on the implementation of the resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world.

* A/64/150.

** The present report was submitted later than the indicated deadline in order to incorporate the latest available information on the subject matter.

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I. Introduction

1. In its resolution 63/171, the General Assembly noted with deep concern the serious instances of intolerance, discrimination and acts of violence based on religion or belief in many parts of the world, as well as the negative projection of certain religions in the media, and the introduction of measures specifically targeting persons with certain ethnic and religious backgrounds, particularly Muslim minorities, in the aftermath of the tragic events of 11 September 2001. Concern was expressed over the frequent and erroneous association of Islam with human rights violations and terrorism. The General Assembly strongly condemned all manifestations and acts of racism, racial discrimination, xenophobia and related intolerance and deplored the use of print, audio-visual and electronic media to incite acts of violence, xenophobia and discrimination against any religion, as well as the targeting of religious symbols. It emphasized that while everyone has the right to freedom of expression, the exercise of that right carried with it special duties and responsibilities.

2. In resolution 63/171, the General Assembly urged States to provide adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions and from incitement to religious hatred in general, and to ensure that all public officials respected people regardless of their religion or belief. It also called on States to exert the utmost efforts to ensure that religious places, sites, shrines and symbols were fully respected and protected. The Assembly further underscored the need to combat defamation of religions and incitement to religious hatred by harmonizing actions at the local, national, regional and international levels. In addition, it urged States to take all possible measures to promote tolerance and respect for all religions and beliefs, called upon the United Nations High Commissioner for Human Rights to encourage a dialogue among civilizations, and called on the international community to foster a global dialogue to promote a culture of tolerance and peace.

3. General Assembly resolution 63/171 was adopted by a vote of 85 to 50, with 42 abstentions, attesting to the diversity of views in the international community on the subject of the resolution entitled "Combating defamation of religions". The resolution was sponsored by Uganda on behalf of the Organization of the Islamic Conference, Belarus and the Bolivarian Republic of Venezuela. States opposing the adoption of the resolution voiced concern that the resolution could lead to a stifling of freedom of religion and freedom of expression or found the text to be too focused on a single religion. The sponsor, in an explanation of vote, indicated that all religions were covered by the text and that, although Islam was usually at the core of the acts described in the resolution, that did not preclude other religions from also being targeted. In the statements in favour of the resolution, reference was also made to the United Nations global counter-terrorism strategy.

4. Chapter I of the Plan of Action annexed to General Assembly resolution 60/288, entitled "The United Nations Global Counter-Terrorism Strategy", examined measures to address the conditions conducive to the spread of terrorism. In paragraph 2 of that chapter, States Members of the United Nations resolved to continue to arrange, under the auspices of the United Nations, initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. The resolution was

adopted by consensus. In its resolution 62/272, the General Assembly reaffirmed resolution 60/288 and was also adopted by consensus.

II. Implementation of resolutions on defamation of religions

5. In paragraph 24 of resolution 63/171, the General Assembly requested the Secretary-General to submit a report at its sixty-fourth session on the implementation of the resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world.

6. In its resolution 10/22, entitled "Combating defamation of religions", the Human Rights Council also requested the High Commissioner for Human Rights to report on the implementation of that resolution, including on the possible correlation between defamation of religions and the upsurge in incitement, intolerance and hatred in many parts of the world.

7. At the sixty-third session of the General Assembly, the Secretary-General submitted a report (A/63/365) in accordance with resolution 62/154. In the report, the Secretary-General focused on measures and activities undertaken by States, United Nations bodies, regional organizations, national human rights institutions and non-governmental organizations with regard to combating defamation of religions.

8. In implementation of Human Rights Council resolution 10/22, notes verbales were sent to Member States, United Nations Funds, Programmes and specialized agencies, international and regional organizations to solicit information on measures and activities undertaken to combat defamation of religions by 30 July 2009. Contributions received will be reflected in the report to the Human Rights Council at its thirteenth session.

9. To avoid duplicate reporting to the General Assembly at its sixty-fourth session and the Human Rights Council at its thirteenth session, the present report recalls the relevant international legal framework and focuses on implementation of resolution 63/171 by the Office of the United Nations High Commissioner for Human Rights, as well as developments at the level of the United Nations human rights mechanisms and treaty bodies, which, although they may not address religious defamation directly, have a bearing on certain aspects of the phenomenon described as defamation of religions in resolution 63/171.

10. While the scope of the present report is limited to resolution 63/171, attention is drawn to previous reports of the Secretary-General, the High Commissioner for Human Rights and the Special Rapporteurs, on issues related to defamation of religions, incitement to racial and religious hatred and violence, the promotion of tolerance, and freedom of religion or belief. Those reports, prepared at the request of the General Assembly and the Human Rights Council, provide an additional context and useful background for the present one. Specific reference is made to the Study of the United Nations High Commissioner for Human Rights compiling existing legislations and jurisprudence concerning defamation of and contempt for religions (A/HRC/9/25), submitted to the Human Rights Council at its ninth session.

11. The report on combating defamation of religions, submitted by the High Commissioner for Human Rights to the Human Rights Council at its ninth session

(A/HRC/9/7) contained contributions from nine Member States, one regional organization and five non-governmental organizations on various aspects of defamation of religions. Most contributions reflected concern about the growing trend towards the negative portrayal of religion in the media and in the political discourse, as well as over policies and practices that seem to target people because of their religion. The High Commissioner for Human Rights, in paragraph 3 of her report at the third substantive session of the Preparatory Committee for the Durban Review Conference (A/CONF.211/PC.4/5), confirmed that religious minorities had been frequent targets of abusive, violent and repetitive criticism against their group, often as a result of entrenched stereotypical attitudes, and that that had deepened discrimination against them.

12. The information available is, nevertheless, insufficient to provide a comprehensive, holistic and reliable picture of acts of or incidents of incitement to religious hatred, discrimination based on religion or belief, or violence perpetrated against members of religious or belief communities in all parts of the world. The difficulty in obtaining dependable information is complicated by the pernicious nature of discrimination on religious grounds. As a cross-cutting human rights violation, it typically manifests itself in conjunction with other human rights violations. The challenges in measuring incitement, discrimination or violence against persons of a certain religion or belief are further compounded by the fact that acts of incitement, discrimination or violence based on religious intolerance are frequently not reported to authorities, or, when they are, not characterized as such. The theoretical and practical analysis of that correlation is included in the various sections of the present report.

III. Legal framework

13. The Charter of the United Nations, which entered into force in 1945, sets out to promote universal respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. The Universal Declaration of Human Rights, adopted in 1948, proclaims that all human beings are born free and equal in dignity and rights. It outlines human rights and emphasizes that everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

14. Human rights law has therefore been focused on the rights of human beings. Recognizing that, in some countries, the notion of defamation of religions is included in national law, efforts have been made to consider the impact of defamation of religions on the realization of human rights.

15. The permissible limitations to freedom of expression are one of the main features of the discourse on defamation of religions. According to article 19 of the International Covenant on Civil and Political Rights,[1] everyone shall have the right to freedom of expression. The exercise of this right, however, carries with it special duties and responsibilities. It may therefore be subject to certain restrictions as provided by law and necessary for respect of the rights or reputations of others and for the protection of national security, public order, public health or morals.

[1] General Assembly resolution 2200 A (XXI).

16. According to article 20, paragraph 2, of the International Covenant on Civil and Political Rights, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Article 20, paragraph 2, thus protects individuals and groups belonging to a religion or holding a certain belief against the advocacy of hatred. It does not, however, protect religions, belief systems, opinions, or institutions from scrutiny, criticism or defamation.

17. With respect to hate speech, article 4 of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination[2] calls on States parties to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof. The numerous reservations, declarations and interpretations made by States parties, many of which subsist despite constant urging by the Committee on the Elimination of Racial Discrimination to remove them or narrow their scope, raise the question as to whether the prohibition of hate speech as expressed in the Convention is a rule of treaty law or represents customary international law on the basis of its intrinsic relationship to the norm of non-discrimination.

18. In its general recommendation XV (42),[3] the Committee on the Elimination of Racial Discrimination expressed the opinion that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion or expression, given the savings clause that the obligations of article 4 should be fulfilled with due regard to the principles embodied in article 19 of the Universal Declaration of Human Rights.

19. In paragraph 11 of resolution 63/171, the General Assembly reaffirmed that general recommendation XV (42) is equally applicable to the question of incitement to religious hatred. However, reports by Special Rapporteurs have cautioned against confusion between a racist statement and an act of defamation of religion since the elements that constitute a racist statement are not the same as those that constitute a statement defaming a religion as such (A/HRC/2/3, para. 49, and A/HRC/12/38, para. 37). It was also argued that the legal measures, and in particular the criminal measures, adopted by national legal systems to fight racism may not necessarily be applicable to defamation of religions.

IV. Office of the United Nations High Commissioner for Human Rights

20. The Office of the United Nations High Commissioner for Human Rights organized an expert consultation at Geneva, on 2 and 3 October 2008 on the links between articles 19 and 20 of the International Covenant on Civil and Political Rights. It was entitled "Freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence" and the participants

[2] General Assembly resolution 2106 (XX), annex.

[3] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

included 12 experts and over 200 observers, including from Governments, United Nations agencies, regional organizations, the media and non-governmental organizations.

21. In her opening remarks (see A/HRC/10/31/Add.3, para. 3), the High Commissioner for Human Rights emphasized that freedom of expression and freedom of religion were not contradictory but interdependent. According to the High Commissioner, international law as well as the jurisprudence of most national courts allowed for the legitimate restriction of well-defined and narrowly limited classes of speech to safeguard against transgressions such as the hate messages transmitted in Rwanda by Radio Mille Collines. While such extreme cases were clear, the High Commissioner said that problems of interpretation lay in less clear-cut situations. She called for a thorough assessment of the circumstances in each case and for any decisions to restrict speech to be guided by well-defined criteria and in accordance with international standards.

V. Durban Review Conference

22. The Durban Review process undertook, inter alia, to review progress and assess implementation of the Durban Declaration and Programme of Action[4] by all stakeholders at the national, regional and international levels, including the assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance. The Durban Review process, which culminated in the adoption of the Outcome Document of the Durban Review Conference on 24 April 2009,[5] makes no reference to the concept of defamation of religions.

23. However, paragraph 12 of the Outcome Document deplored the global rise and number of incidents of racial or religious intolerance and violence, including Islamophobia, anti-Semitism, Christianophobia and anti-Arabism manifested in particular by the derogatory stereotyping and stigmatization of persons based on their religion or belief. The Outcome Document further urged all Member States to implement paragraph 150 of the Durban Programme of Action, which called upon States, in opposing all forms of racism, to recognize the need to counter anti-Semitism, anti-Arabism and Islamophobia worldwide, and urged all States to take effective measures to prevent the emergence of movements based on racism and discriminatory ideas concerning these communities.

24. Paragraph 68 of the Outcome Document expressed concern about the rise in recent years of acts of incitement to hatred, which targeted and severely affected racial and religious communities and persons belonging to racial and religious minorities, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources. Paragraph 69 resolved, as stipulated in article 20 of the International Covenant on Civil and Political Rights, to fully and effectively prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence and implement it through all necessary legislative, policy and judicial measures.

[4] See A/CONF.189/12 and Corr.1, chap. I.

[5] See A/CONF.211/L.1, draft report of the Conference.

25. Against this background, paragraph 134 of the Outcome Document took note of the proposal of the Office of the High Commissioner for Human Rights, in cooperation with regional stakeholders in all parts of the world, to organize, in the light of the OHCHR Expert Seminar on the links between articles 19 and 20 of the International Covenant on Civil and Political Rights, a series of expert workshops. These workshops would serve to attain a better understanding of the legislative patterns, judicial practices and national policies in the different regions of the world with regard to the concept of incitement to hatred, in order to assess the level of implementation of the prohibition of incitement, as stipulated in article 20 of the International Covenant on Civil and Political Rights.

VI. United Nations human rights treaty bodies

26. While relevant cases are currently being considered by several treaty bodies, no determinations pertinent to incitement to religious hatred were made on individual petitions by any treaty bodies since the Study of the United Nations High Commissioner for Human Rights compiling jurisprudence concerning defamation of and contempt for religions, submitted to the Human Rights Council at its ninth session (A/HRC/9/25).

27. At its ninety-fourth session, held from 13 to 31 October 2008, the Human Rights Committee decided to revise its General Comment on article 19 of the International Covenant on Civil and Political Rights on freedom of expression. A first reading of the draft general comment by the Human Rights Committee is scheduled to take place in October 2009.

28. In its examination of periodic reports, the Human Rights Committee has called on States parties to the International Covenant on Civil and Political Rights to vigorously combat any advocacy of racial or religious hatred, including political hate speech, by intensifying public information and awareness-raising campaigns and ensuring the strict application by judges, prosecutors and the police of criminal law provisions punishing incitement to racial or religious hatred.

29. Espousing the view that discrimination based exclusively on religious grounds does not explicitly fall within the scope of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination has searched for an "ethnic" or other connection or element of intersectionality between racial and religious discrimination before it regarded its mandate as engaged.

30. The "intersection" was further examined in two cases in 2007, both involving allegations of hate speech. The case of *P.S.N. v. Denmark* (2007) concerned alleged violations of articles 2, paragraph 1 (d), 4 and 6 of the Convention on the Elimination of All Forms of Racial Discrimination through statements published on a website by a Member of Parliament against immigration and Muslims, under the headline "Articles no one dares to publish". The opinions expressed were reiterated in an interview given to a newspaper, and some had been previously published in a book. The petitioner filed three complaints under the Danish Criminal Code, section 266b of which prohibits racial statements, on the grounds that the website statements targeted a specific group — Muslims — were degrading and propagandistic, and were published to a large audience. Analogous complaints related to the book and the interview.

31. The State party argued against admissibility in that the case fell outside the scope of article 1 of the Convention in referring to Muslims, while acknowledging that "it is possible to argue to a certain extent that the statements refer to second-generation immigrants and set up a conflict between 'the Danes' and them, thereby falling to some degree within the scope of the Convention". The petitioner on the other hand contended that "Islamophobia, just like attacks against Jews, has manifested itself as a form of racism in many European countries". Hatred, it was claimed, had been stirred up against peoples of Arab and Muslim background, and "culture and religion are connected in Islam".

32. In its admissibility decision, the Committee observed that "the impugned statements specifically refer to the Koran, to Islam and to Muslims in general", without any reference to the five grounds set out in article 1 of the Convention. Further, while the elements in the case file did not allow the Committee to ascertain the intention of the statements, "it remains that no specific national or ethnic groups were directly targeted", and that "Muslims currently living in the State party are of heterogeneous origin". The Committee recognized "the importance of the interface between race and religion" and stated that "it would be competent to consider a claim of 'double' discrimination on the basis of religion and another ground specifically provided for in article 1", which was not the case with the current petition. The petition according to the Committee was based on religion alone, and "Islam is not a religion practised solely by a particular group". The communication was therefore declared inadmissible. In the case of *A.W.R.A.P. v. Denmark* (2007), the Committee declared inadmissible a communication on similar grounds to its decision in *P.S.N. v. Denmark*.

33. Many discriminatory practices described in General Assembly resolution 63/171, including incitement, stereotyping, profiling, stigmatization, and legitimation of discrimination, are nevertheless accounted for in the Convention on the Elimination of All Forms of Racial Discrimination practice. The Committee has made numerous references in its concluding observations to phenomena such as Islamophobia, including reports thereof following the attacks of 11 September 2001, discrimination against Jews and Sikhs, discrimination against indigenous religions, and desecration of sacred sites, and other cases where it has found an overlap between religion and ethnicity.

VII. United Nations special procedures

34. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, submitted his latest report to the Human Rights Council at its twelfth session (A/HRC/12/38), pursuant to resolution 10/22, in which the Human Rights Council requested him to report on all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia, on the enjoyment of all rights by their followers, to the Council at its twelfth session.

35. In his report, the Special Rapporteur recalled the recommendation of his predecessor, Doudou Diène (see A/HRC/9/12, para. 65), that the Human Rights Council should "encourage a shift away from the sociological concept of the defamation of religions towards the legal norm of non-incitement to national, racial or religious hatred, on the basis of the legal provisions laid down in international

human rights instruments, in particular articles 18 to 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination".

36. In addition, the Special Rapporteur expressed the view (A/HRC/12/38, para. 45) that the agreement reached in the Outcome Document of the Durban Review Conference constituted a fine balance in reaffirming the importance of freedom of expression and highlighting the need to curb hate speech. He therefore recommended that that consensual document be used as a reference in the way forward when approaching difficult questions such as that of incitement to racial or religious hatred. He particularly recommended that policymakers rely on the robust and adequate language of the Outcome Document and implement it domestically.

37. The Special Rapporteur made a distinction (ibid., para. 46) between the following four concerns: (a) intolerant mentalities which do not yet constitute human rights violations, but may eventually lead to such violations; (b) advocacy of racial or religious hatred that constitutes incitement to discrimination, hostility or violence and which is prohibited in international human rights law; (c) discrimination against members of religious or belief communities, which is also clearly prohibited by international human rights standards and which adversely affects the enjoyment of civil, cultural, economic, political and social rights; and (d) acts of violence perpetrated against members of religious or belief communities, which constitute a blatant human rights violation, for example with regard to the right to security of the person or ultimately to the right to life.

38. The Special Rapporteur recalled (ibid., para. 48) that existing international standards already addressed racial discrimination and discrimination based on religion or belief, as well as incitement to racial or religious hatred. In this regard, he highlighted that, as of June 2009, a total of 164 States had ratified the International Covenant on Civil and Political Rights and that there were 173 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. He called on States which had not yet ratified those international instruments to consider doing so.

39. The Special Rapporteur highlighted the fact (ibid., para. 49) that while the obligation to prohibit discrimination and incitement to racial or religious hatred was unambiguous under international human rights law, it was only one among a number of actions that needed to be taken to fully guarantee the right to equal treatment and to fight racism and all forms of discrimination. He stated that States had a central obligation to adopt measures to foster tolerance and respect for cultural diversity, including religious diversity. Only by implementing that wide array of actions would States be able to secure long-term defences against the insidious implications of hate speech.

40. Finally, the Special Rapporteur expressed serious concern (ibid., para. 50) about cases of incitement to racial or religious hatred and called on States to address such cases promptly within the existing international human rights framework. He also recalled the obligation of States under existing international human rights standards to protect members of religious or belief communities from violations of their right to freedom of religion or belief.

41. The Special Rapporteur on freedom of religion or belief, Asma Jahangir, in her report to the Human Rights Council at its tenth session (A/HRC/10/8), highlighted continued reports of religious intolerance and acts of violence against members of certain religious or belief communities. She noted that, while peaceful expressions of opinions and ideas should always be tolerated, the use of stereotypes and labelling that insulted deep-rooted religious feelings did not contribute to the creation of an environment conducive to constructive and peaceful dialogue among different communities. The Special Rapporteur also reminded States of their obligation to act against advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence.

42. The Special Rapporteur on freedom of religion or belief further noted that, although in some cases intolerant behaviour did not constitute a human rights violation, it still gave rise to religious polarization and disturbed social cohesion. In this respect, she stressed that each particular case ought to be adjudicated on its own merits and emphasized the vital role of the judiciary in providing a means of legal redress to victims of human rights violations. She affirmed that more consultation was needed and recommended that regional workshops be organized to explore this topic at the grass-roots level. She also suggested that the Human Rights Committee could revisit its general comment No. 11 (1983) on article 20 of the International Covenant on Civil and Political Rights.

43. In previous reports (A/62/280 and Corr.1, para. 76, and A/HRC/7/10/Add.3, para. 73), the Special Rapporteur on freedom of religion or belief argued that the full implementation of the protection of individuals against advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence according to article 20, paragraph 2, of the International Covenant on Civil and Political Rights presented a useful alternative to blasphemy laws.

44. The independent expert on minority issues, Gay McDougall, in her 2006 report to the Commission on Human Rights (E/CN.4/2006/74) reported that minorities in all regions of the world continued to face serious threats, discrimination and racism. In addition, she highlighted the fact that minority communities faced new challenges, including counter-terrorism legislation, policies and practices that presented the risk of unjustly impeding or even violating minority rights. She also expressed concern that important debates about religion, social inclusion, and identity often assumed a negative tone not conducive to social cohesion or harmony.

45. According to the independent expert, anti-discrimination, while a key element, was not sufficient in itself to guarantee fully minority rights, as such rights went beyond anti-discrimination to address the issues of those who may seek to promote and preserve their distinct identity. Minority rights, she asserted, were about recognizing that, owing to their minority status and distinct identity, some groups were disadvantaged and at times targeted, and that those communities needed special protection and empowerment. In this vein, she called on all States to seek to realize the goal of equality in diversity, de jure and de facto.

46. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai, the Special Rapporteur on freedom of religion or belief, Asma Jahangir, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, issued a joint statement in Geneva on 22 April 2009 identifying challenges with regard to the dissemination of expressions which offend

certain believers (see A/HRC/12/38, paras. 33-42). Although this phenomenon historically touched all regions of the world and various religions and beliefs, in their assessment the events of 11 September 2001 had exacerbated tensions in inter-community relations. In that context, the three mandate holders suggested that a clear distinction be made between three types of expression: (a) expressions that constitute an offence under international law; (b) expressions that are not criminally punishable but may justify a civil suit; and (c) expressions that do not give rise to criminal or civil sanctions but still raise concern in terms of tolerance, civility and respect for the religion or beliefs of others.

47. The Special Rapporteurs called for anchoring the debate in the existing international legal framework provided by the International Covenant for Civil and Political Rights — more specifically its articles 19 and 20. In addition to legal responses to advocacy of hatred and violence, they stressed the need to tackle the root causes of intolerance through a broad set of policy measures, for example in the areas of intercultural and interreligious dialogue or education for tolerance and diversity.

VIII. Conclusion

48. The notion of defamation of religions has an impact on the realization of human rights. Since the permissible limitations to freedom of expression are one of the salient features of the discourse on defamation of religions, attention is drawn to articles 19 and 20 of the International Covenant on Civil and Political Rights, as well as article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination.

49. Treaty bodies and special procedures have reported about serious instances of intolerance, discrimination and acts of violence based on religion or belief as described in General Assembly resolution 63/171 as defamation of religions, such as the derogatory stereotyping and stigmatization of persons based on their religion or belief, and the negative projection and targeting of certain religions and religious symbols. In this regard, they have recommended that strong emphasis be put on the implementation of the core obligations of States relating to the protection of individuals and groups of individuals against violations of their rights incurred by hate speech.

50. Many discriminatory practices referred to in General Assembly resolution 63/171, including dissemination, incitement, stereotyping, profiling, stigmatization and legitimation of discrimination, are also within the purview of the Convention on the Elimination of All Forms of Racial Discrimination. The Committee has made numerous references in its concluding observations to phenomena such as Islamophobia, including reports thereof following the attacks of 11 September 2001, discrimination against Jews and Sikhs, discrimination against indigenous religions, and desecration of sacred sites, and other cases where it has sensed an overlap between religion and ethnicity.

51. As underlined by the Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the ultimate goal is to find the most effective ways through which to protect

individuals against advocacy of hatred and violence by others. Hate speech is but a symptom, an external manifestation of something much more profound which is intolerance and bigotry. Legal responses, such as restrictions on freedom of expression alone, are far from being sufficient to bring about real changes in mindsets, perceptions and discourse. In order to tackle the root causes of intolerance, a much broader set of policy measures needs to be addressed covering the areas of intercultural dialogue as well as education for tolerance and diversity.